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*Attorneys for Defendant and Counterclaim  
Plaintiff Factory Direct Wholesale, LLC*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

SHENZHEN BIG MOUTH TECHNOLOGIES  
CO., LTD. and DECAI (TONY) FU,

Plaintiffs and Counterdefendants,

vs.

FACTORY DIRECT WHOLESALE, LLC,

Defendant and Counterclaimants.

Case No.: 3:21-cv-09545-RS  
*Hon. Richard Seeborg*

**STIPULATION AND ORDER TO  
CONTINUE HEARING AND CASE  
MANAGEMENT CONFERENCE AND  
RELATED DEADLINES**

WHEREAS, the Complaint in the above-captioned matter was filed on December 9, 2021 by Plaintiffs SHENZHEN BIG MOUTH TECHNOLOGIES CO., LTD. (“Big Mouth”) and DECAI (TONY) FU (together, “Plaintiffs”) against Defendant FACTORY DIRECT WHOLESALE, LLC (“Defendant”);

WHEREAS, Defendant filed a Motion for Judgment on the Pleadings as to Count I on April 28, 2022 (ECF 40), the hearing date for which is June 16, 2022;

WHEREAS, on May 10, 2022, the Court continued the Case Management Conference in this action to July 28, 2022 and the deadlines for filing a joint case management conference statement and exchanging initial disclosures to July 21, 2022 (ECF 44);

WHEREAS, the parties have very recently engaged in settlement discussions which appear promising; and

WHEREAS, the parties agree that in light of their ongoing settlement discussions, it would serve the interests of judicial economy to continue the June 16<sup>th</sup> hearing, the July 21<sup>st</sup> deadlines, and the July 28<sup>th</sup> Case Management Conference by at least thirty (30) days.

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned parties, through their counsel of record, and subject to approval by this Court, that the June 16, 2022 hearing on Plaintiffs’ Motion for Judgment on the Pleadings as to Count I, the July 21, 2022 deadlines, and the July 28, 2022 Case Management Conference each be continued by at least thirty (30) days to dates convenient for the Court.

Dated: June 2, 2022

**SMITH, GAMBRELL & RUSSELL, LLP**

By: /s/ Gregg A. Rapoport

Gregg A. Rapoport

Elizabeth G. Borland

Richard D. Rivera

Gregg A. Rapoport

Attorneys for Defendant and Counterclaimant  
FACTORY DIRECT WHOLESALE, LLC

1 Dated: June 2, 2022

**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP**

3 By: /s/Matthew Samet  
4 Matthew Samet

5 Attorneys for Plaintiffs and Counterdefendants  
6 SHENZHEN BIG MOUTH TECHNOLOGIES CO.,  
7 LTD. and DECAI (TONY) FU

8 **CERTIFICATION (L.R. 5-1(h))**

9 The undersigned hereby certifies that each of the signatories to the foregoing document have  
10 concurred in the filing of the document.  
11

12 Dated: June 2, 2022

**SMITH, GAMBRELL & RUSSELL, LLP**

13 By: /s/Gregg A. Rapoport  
14 Gregg A. Rapoport  
15 Elizabeth G. Borland  
16 Richard D. Rivera  
17 Gregg A. Rapoport

18 Attorneys for Defendant and Counterclaimant  
19 FACTORY DIRECT WHOLESALE, LLC  
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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The hearing on Plaintiff's Motion for Judgment on the Pleadings as to Count I is hereby continued to: August 4, 2022 at 1:30 pm.

The deadline for filing a joint case management conference statement is hereby continued to: September 8, 2022.

The Case Management Conference is hereby continued to: September 15, 2022 at 10:00 am.

SO ORDERED.

DATED: June 2, 2022

  
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HON. RICHARD SEEBORG  
CHIEF UNITED STATES DISTRICT JUDGE